

## LOCAL NEWS.

Prof. A. H. Sauter of Booneville, Mo., is a new arrival.

Frank Joyce and son, little Jno. R., are home from Tennessee.

A small pox scare has developed in town but is well in hand.

Wm. L. Sloan of Baldwin, Miss., is a new arrival for health purposes.

Frost Tuesday and Wednesday night killed considerable fruit that had come in bloom.

George Brantley returned from his Texas trip to Dallas and central Texas points Monday.

J. A. Copeland returned Tuesday from a trip to Colorado and Texas, bringing his family.

E. E. Rhodes of Warsaw, Ind., was in town Monday under the chaperonage of Dick Thorne.

Best gasoline stove made, Quick Meal. We allow a trial if you wish it. Tracy-Roberts Hardware Co.

Jake Jackson of the 4 ranch near Toyah, and Al Walker from M. B. Huling's 9K ranch, were in Carlsbad Tuesday.

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Ned Shattuck hauled out a big load of lumber last Saturday to build a house for the forest ranger in the Guadalupe.

Todd Barber, wife and baby, came in last night on the train from the south, on a visit with Mrs. Barber's parents, Mr. and Mrs. Clark.

Walter Bailey, of Roswell, brother of Neri Bailey, the contractor, was in the city several days this week and last, visiting his brother.

B. A. Nymeyer, Deputy United States Surveyor, will start out immediately after court, with six men to do a big job of surveying for Uncle Sam.

Dr. Friedman went to Artesia yesterday morning to a meeting of the Pecos Valley Medical Ass'n. He will try to get next meeting held here.

Robt. T. McClung, the newspaper correspondent from Roswell, came down Sunday and has been of assistance in furnishing the court report for the current this week.

The Donelson boys east of Florence were in town last Friday to purchase a new buggy and harness that will probably be the cause of some of the Florence dads losing all their girls ere many moons.

N. W. McGruder of Alva, Oklahoma, who purchased land east of Malaga, was in town Tuesday. He will return to Oklahoma but will improve his land in the near future. Mr. McGruder is a nephew of the famous general of that name.

C. R. Hess, the expert photographer of the Turner studio at Roswell, came down Wednesday morning on the special train which carried the Albuquerque boosters. Mr. Hess was a commissioner by the boosters to do their photography work.

The Public Utilities Co., has acquired control of the Dark Canon wells and water works, and after March 15, will furnish the railroad from the P. U. Co. well, which is purer than the Dark Canon water. The Dark Canon system will be held as a reserve.

The Newkirks of the News at Artesia stuffed a clerk in the postoffice at that place into believing he had a right to exclude the Advocate from the mails, because a correspondent in the Advocate had called Newkirk many and divers kinds of a liar. The Advocate, being a democratic paper, any old excuse should exclude it from the mails.

## THE DISTRICT COURT

A Gist of the Cases Already Disposed of—Grand Jury Panel Ordered for March 16.

### LEWIS-TERHUNE MURDER CASE

Now on Trial Will Probably Consume the Rest of the Week—List of Trial Jury.

George Sable who has been in jail charged with assault on his wife Lizzie Sable was given sixty days in jail and the costs and the jail sentence was suspended if he left the territory immediately. He agreed to make himself scarce at once, but was later summoned to appear as a witness before the grand jury and his day of grace was extended for a few days on this account. His wife Lizzie Sable faced two cases of assault and she was presented with a sentence of sixty days and costs, and sentence was suspended until further notice. The Sables came here from Roswell several months ago and their domestic felicity it is alleged has not been the most pleasant and married life with them has not been the happy song pictured by the poets. Sable formerly was bar tender for Carl Leopold of the Palace Bar at Roswell.

March 4th—Matter of the estate of Howard Travis Gage, et al Order issued appointing W. L. Whitaker guardian to sell certain real estate.

Matter of the estate of William Wells, lunatic. Approving report H. A. Houser committee.

Judgement rendered in case of the Territory of New Mexico vs persons, real estate, land and property described in delinquent tax list of the county of Eddy for the year 1905. Same action for the year 1906, and an order was given to sell in each case.

March 5th—Order for Grand Jury panel issued returnable into court the 16th.

Casey-Swasey Company vs Clark Brothers, order entered for notice for publication.

March 6th—Territory of New Mexico vs Bishop M. Mitchell, three cases, arraigned and upon his arraignment he pleaded not guilty. The defendant is out on bond.

Upon information filed by District Attorney L. O. Fullen, Louise Lavangh, Nett Scudder, Lucy Livingston and Daisy Brooks were arraigned as vagrants and on the charge of corrupting society and Judge Pope imposed a sentence of six months in jail in each case and costs and suspended jail sentence as long as the women remain out of the territory. They were released from jail and ordered to leave forthwith.

T. M. Waller vs W. D. Yarbrough final judgement on attachment suit in favor plaintiff.

March 8th—Southwestern Savings, Loan and Building Association of Las Vegas vs Herbert M. Grove, et al decree of foreclosure was entered on mortgage for plaintiff.

March 9th—Order issued to serve Moses Lewis, charged with murder with a list of the panel of the regular petit jury venire.

William Meeks vs S. W. Gilbert, order setting cause for hearing before court.

Finlay & Murray vs J. F. Dunaway, judgement on not for

\$100.00 favor plaintiff.

Petit jury venire was returned by Sheriff.

March 10th—D. G. Grantham vs D. W. Swift, order continuing cause by consent.

Trial of Moses Lewis started.

Much interest is centered on the trial of Moses Lewis this week on a change of venue from Chaves county. Lewis is charged with murdering his first cousin, Leland S. Terhune, about twelve miles from Roswell last year and burying the body in an irrigation ditch in an attempt to conceal the crime. At the first trial Lewis admitted that he shot and killed Terhune, but maintained that he acted in self-defense and that he buried the body because he was scared and did not know what to do.

At the first trial in Chaves county there was a "hung jury," it being stated at the time that there were ten of the jurors in favor of a verdict of murder in the first degree, a verdict of this kind brought in by a jury in New Mexico is accompanied only by the death penalty, and two of the jurors stood for acquittal, evidently believing his story of self-defense.

The prisoner was penniless and at the first trial Judge William H. Pope appointed Messrs. John T. McClure and D. W. Elliott two of the most eminent attorneys in Roswell to defend him. These gentlemen had only been residents of Roswell for a short time. Mr. McClure having hailed from Nebraska and Mr. Elliott from Cheyenne, Wyoming and they put up a brilliant and hard fight for the prisoner and after the mis-trial they secured a change of venue on the case from Roswell to Carlsbad on the ground that there was a strong prejudice in Chaves county against Lewis and that he could not secure a fair and impartial trial in Chaves county and an order was issued by Judge Pope transferring the case here for the second trial. Messrs. McClure and Elliott are conducting the defense here and even on change of venue on the case they do not receive a fee or a cent of expense money from the territory. They are conducting the case in an able manner for the defendant, and their zeal and ability has been favorably commented upon both at Carlsbad and Roswell.

District Attorney Fullen is being assisted in the prosecution by Attorney L. H. Mathis of Wichita Falls, Texas who has been in the active practice of law there for fifteen years and who is said to be one of the ablest criminal attorneys in that section of the state. Mr. Mathis was retained by J. A. Terhune, of Iowa Park, Texas, who is the father of the murdered man and he has been summoned here as a witness in the case.

On March 9th Lewis was served with a list of the petit jury panel or twenty four names by Clerk S. I. Roberts. It is required by law in New Mexico that a man who stands indicted and charged with murder shall be served with a list of the regular panel of talesmen who have been summoned to act in his case and that it shall be done at least twenty-four hours before the calling of the case for trial.

On convening of the court Tuesday morning the case was called for trial and the slow and monotonous task of securing a jury was started. Captain Etienne de Pellissier Bujac as-

sisted Messrs. McClure and Elliott in selecting the jury. The jurors called were examined by Mr. Elliott for the defense and Mr. Fullen for the territory. Both attorneys gave a careful, concise and thorough examination. The regular panel was exhausted shortly before adjournment hour Tuesday afternoon, with only eight jurors accepted by both sides and three having been passed for cause. Judge Pope issued a special venire of twenty names returnable into court at 7:30 o'clock Tuesday evening and a night session was held until 11 o'clock, exhausting the special venire with only having two more jurors accepted, by both sides and one having been passed for cause. Court adjourned until Wednesday morning at 9 o'clock Judge Pope having issued a second special venire of seventeen names, returnable into court at convening hour Wednesday morning. The ten jurors accepted and the one passed for cause were, of course, locked up for the night. The work of securing the jury was completed at 11 o'clock Wednesday morning and the witnesses in the case were called and sworn immediately and excluded from the court room and the trial of the case was started at once. The first witness was Deputy Sheriff O. Z. Finley of Chaves county who assisted in locating the body, where it was buried in an irrigation ditch and who assisted in the arrest of Lewis. The second witness was Dr. C. M. Mays of Roswell who described the nature of the wounds on the body and Clarence Ullery, of Roswell, the undertaker who had the body in his care was the third witness. The last witness of the day Wednesday was Geo. H. Buss, who resided near where the homicide was committed and he told of searching for the body with Lewis and of Lewis subsequent arrest.

The jury who are trying the case consist of the following men of Eddy county and it is one of the best and most intelligent bodies of men that have ever served as a jury on a criminal case in Eddy county:

W. C. Marable, farmer, Artesia.  
George Kline, farmer, Artesia.  
T. M. Curtis, Monument, stockman.  
George M. Cooke, cashier First National Bank of Carlsbad.  
J. D. H. Reed, Artesia, merchant.  
W. J. Gossett, passenger conductor Pecos Valley & Northern line.  
H. J. Allison, farmer, Artesia.  
Watson Cook, Lakewood, farmer.  
E. C. Moreland, Carlsbad, barber.  
J. W. Lewis, Carlsbad, civil engineer.  
C. D. Rickman, Carlsbad, dry goods salesman.  
San Reddick, Monument, sheepman.

The regular panel of petit jurors for this term consists of the following names:

G. M. Cooke, D. W. Morgan,  
J. R. Linn, J. D. Waller,  
W. C. Marable, T. M. Curtis,  
R. A. Montgomery, A. N. Pratt,  
D. N. Houston, D. B. Sutherland,  
W. R. Hugler, W. T. Kingsinger,  
H. J. Allison, E. B. Kemp,  
J. D. H. Reed, George Kline,  
C. C. Keller, Watson Cook,  
Doc Reed, E. V. Albritton,  
John A. Fuller, R. L. Smith,  
W. J. Gossett, Chas. Stocks.

Special venire number (1) consisted of the following names:

J. F. Joyce, T. A. Ezell, E. Hendricks, C. H. McEnathen, C. D. Rickman, John R. Joyce, E. S. Sprong, Harlan Clark, Laurens Rayroux, Henry Baldwin, R. M. Thorne, J. W. Lewis, Robert M. Hamilton, Chas. T. Adams, H. E. Robb, L. M. Collier, L. A. Swartz, H. M. Chisout, E. C. Moreland, Frank G. Tracy.

Special venire number (2):

W. P. Mudgett, J. H. James, George M. Pendleton, O. H. Dishman, J. B. Harvey, R. O. Duncan, Sam B. Smith, W. C. Sellers, H. A. Houser, Harper Silliman, T. C. Horne, L. Ramuz, Dennis Duncan, Sam Reynolds, R. E. Duncan, J. S. Eaves, R. J. Toffeltaire.

Following is the list of the Grand Jury for this term, returnable March 16th, and the great majority have been served with papers: F. L. Hopkins, Orville Beall, J. C. Draper, Philip Ramuz, S. T. Bitting, J. A. Froman, W. E. Clark, J. H. Tolbert, A. M. Bollen, W. H. Wilson, W. S. Jolly, John A. Orr, Hubert Keith, L. J. Ryan, Carson Rathiff, Chas. Barber, Francis Wetig, J. R. Blair, Dolph Lusk, M. Saul, R. W. Rankins, James Scanlan, E. R. Gesler, William Matheson, G. A. Beckett.

### Malaga News Items.

Mr. C. M. Richards was a visitor to Malaga on Monday.

Mrs. S. R. Hobbie went to Roswell Friday afternoon.

Mrs. Blair went to Artesia last Thursday.

A car of lumber for the parsonage was set out here Monday.

During the hard wind storm last Wednesday a porch was blown from a porch of a house owned by Mr. Blair.

Mr. and Mrs. Bruce Conner drove down from Artesia last week for a few days' visit with Mr. Conner's parents.

Mr. Morian Livingston was a visitor in Malaga Tuesday.

Six Bulgarians, who were brought here a short time ago to herd sheep for Aeroy Bros., passed through here enroute to El Paso.

Miss Mamie Simpson, sister of W. D. Simpson arrived here Monday. She will make her future home here.

C. H. Billings received quite a painful injury this week. While caring for his team one of the horses stepped on his foot and crushed it, causing much pain.

There will be a box supper at the Malaga school house Saturday March 14. Everybody respectfully invited to attend.

Mr. Ross Conner is a visitor from Artesia this week.

F. B. Parsons, of Marshalltown, Iowa, was a visitor the first part of the week. He intends to locate some place in the valley.

C. H. Smith, agent for the Malaga Land and Improvement Co., located at St. Joe, Missouri, was here this week.

Mr. J. D. Vaughn, of Fort Calhoun Nebraska, was here looking for a location. He will probably return and locate in the neighborhood of Malaga.

R. Milam and M. W. McGrader were visitors to Carlsbad Monday returning Tuesday.

A. Montgomery, one of the petit jurors went to Carlsbad the first of the week returning Wednesday.

Mr. J. A. Hartshorn and family arrived Thursday from Oklahoma where they have been for the last three months.

Rev. H. W. Wheeler preached at Florence Sunday morning and afternoon. A Methodist Episcopal church was organized.

An immigrants' car for J. A. Hartshorn arrived Tuesday. Eight horses and a cow were part of the contents.

### Baptist Church.

Regular preaching service at 11 a. m. Subject: "The Silent Appeal of the World." Solo—E. W. Fraser. Services at 7:30 p. m. under auspices of the Anti-Saloon League.